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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,151	12/11/2001	Gunnar Hedin	980.1122US01	6199

38846 7590 07/15/2004

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SUITE 3200
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EXAMINER	
LEE, HWA S	

ART UNIT	PAPER NUMBER
2877	

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Double Patenting

1. Claims 1-16 and 18-29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending Application No. 10/014,278, and No. 10/014,277. Although the conflicting claims are not identical, they are not patentably distinct from each other because the devices claimed in the copending applications inherently practice the methods claimed.

2. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3, 10, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Pratt (WO 95/20144 from Applicant's IDS).

Pratt shows an optical wavelength sensor comprising:

illuminating an optical element (8) with output from the laser (1) to produce an interference pattern, the optical element being a non-parallel etalon;

detecting at least three different portions (5) of the interference pattern to generate at least three respective detection signals;

adjusting (12) the operating wavelength of the laser in response to the feedback signal.

1. Claims 1, 20 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Rinaudo et al (US 6,323,987).

Rinaudo et al show a controlled multi-wavelength etalon comprising:

producing a periodic optical interference pattern by illuminating an optical element with the light output by the laser;

detecting at least three different portions of the periodic optical interference pattern to generate at least three respective detection signals; and

generating a power signal indicative of output power from the laser using the at least three detection signals.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pratt in view of Chang (US 6,233,263).

Pratt does not show the interference pattern being reflected. Chang shows the use of a reflector to reflect the interference pattern. At the time of the invention, one of ordinary skill in the art would have used a reflector to reflect the interference pattern since the skill artisan would recognize that folding the path by using a mirror allows flexibility in the arrangement of the parts thus enabling a different size .

1. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pratt as applied to claim 1 above, further in view of Ackerman et al (US 6,186,937).

Pratt shows all the elements as presently claim but does not show the spacing of the detectors. Ackerman shows a device for frequency discrimination wherein three detectors are spaced at P/n (see figure 3.) At the time of the invention, one of ordinary

Response to Arguments

7. Applicant's argument, filed 6/28/04, with respect to the priority date of Chang with respect to its use for a 102(b) rejection has been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

8. Applicant's arguments with respect to claims 1-16, and 18-29 have been considered but are moot in view of the new ground(s) of rejection.

Papers related to this application may be submitted to Technology Center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the PTO Fax Center located in CP4-4C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Center number is 703-872-9306 for regular communications and for After Final communications.

If the Applicant wishes to send a Fax dealing with either a Proposed Amendment or for discussion for a phone interview then the fax should:

a) Contain either the statement "DRAFT" or "PROPOSED AMENDMENT" on the Fax Cover Sheet; and

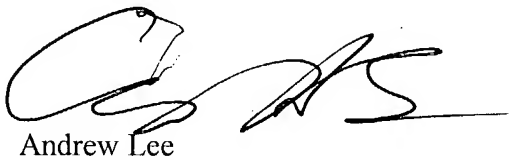
b) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Hwa Lee whose telephone number is (571) 272-2419. The examiner

can normally be reached on M-Th. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Toatley can be reached on (571) 272-2059.



Andrew Lee
Patent Examiner
Art Unit 2877

July 12, 2004/ahl